

# Notice of Allowability

Application No.

09/827,250

Examiner

Anthony Fick

Applicant(s)

KLEINWACHTER, JURGEN

Art Unit

1753

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's RCE of 11/16/06.
2. ☒ The allowed claim(s) is/are 13,14,22-26 and 29-34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☒ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

1. Applicant's amendments to the claims have overcome the previous rejections under 35 U.S.C. 112 second paragraph.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ursula Day on December 8, 2006.

The application has been amended as follows:

- a) Claims 27 and 28 are cancelled.
- b) Claim 32, line 1: "27" has been replaced with – 29 – .
- c) Claim 32, line 1: between "wherein" and "the" the following has been inserted – each of – .
- d) Claim 32, line 1: "pillow" has been replaced with – pillows – .

### ***Allowable Subject Matter***

3. Claims 13, 14, 22 through 26 and 29 through 34 are allowed.
4. The following is an examiner's statement of reasons for allowance: the independent claims of the present invention are claims 13 and 22. Claim 13 was indicated allowable within a previous office action dated April 11, 2002. Claims 14, 29,

Art Unit: 1753

32 and 33 all depend from claim 13 and are thus also allowable. Claim 22 is a modular greenhouse comprising a plurality of modular optical elements, each element forming a pillow, with a plurality of pillows forming an envelope for the greenhouse. The optical elements further including an optical lens system arranged inside each pillow to concentrate incident radiation and a light collection and conversion system integrated in each element. The closest prior art is by Wenger (CH 591090) and Maine (U.S. 4,057,048).

Wenger discloses an optical lens comprising two transparent sheets (2, 3) supported along their circumference by a mechanically stable frame (5) and forming a pillow (see figure 2; and the entire text of the document). The pillow is an optical lens and is inflated with water. However the pillow in Wenger is a lens itself, therefore the lens system cannot be inside each pillow as required in the present invention. The water inside the pillow of Wenger is not a lens system and only focuses light due to the cover sheets and the pillow configuration. Further it would not be obvious to place a lens system inside the pillows of Wenger because the pillows are already lenses and anything inside the pillows would interfere and thus destroy the invention of Wenger.

Maine teaches a solar heat collector comprising a roof of interconnected convex lenses (30) designed so that solar radiation transmitted through them will be focused or concentrated on a heat collecting means within the enclosure (see figure 2; and col. 3, lines 1-54). An advantage of Maine's structure is maximum utilization of the sun's rays during all daylight hours (see col. 2, lines 25-30). The structure can be a "greenhouse", e.g., it can be used for agricultural purposes (see col. 2, lines 50-53). However, the


Art Unit: 1753

structure of Maine does not utilize pillows as a lens system and a combination with the lens pillows of Wenger still does not meet the claimed invention as discussed above. Thus claim 22 is allowable over the prior art. Claims 23 through 26, 30, 31 and 34 all depend from claim 22 and are allowable for the same reasoning.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Fick whose telephone number is (571) 272-6393. The examiner can normally be reached on Monday thru Friday 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



NAM NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

Art Unit: 1753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Fick *ADF*  
AU 1753  
December 20, 2006